Single Bench

(5)

~~(2)~~

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 6073 /2006

PETITIONERS :

1. **Smt. Moncy Verghese**
   W/o Shri Anand Alex. Varghese
   Age about 39 years, Upper Division Teacher,
   M. L. B. Govt. Hr. Sec. School, Rajnandgaon,
   Distt. - Rajnandgaon (C.G.)
2. **Smt. Sarala Tomar**
   W/o Shri Satyendra Singh Tomar
   Age about 42 years, Upper Division Teacher,
   Govt. Hr. Sec. School, Camp-1, Bhilai,
   Block - Bhilai, Distt. - Durg (C.G.)
3. **Smt. Warsha Franklin** Smt Varsha Franklin
   W/o Shri Adison Franklin
   Age about 38 years, Upper Division Teacher,
   J. R. D. Govt. Mult. Hr. Sec. School,
   Block - , Distt. - Durg (C.G.)

Attested
Jain 12.06
A.R.(J)

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P.R. No. 6108/06
Presented by Shri S. Verma
dated 4-1-06
3:15 pm

Amended as per Court order dated 11/01/06
8/1/06

VERSUS

RESPONDENTS :

1. **State Government of Chhattisgarh**
   Through :- **Secretary,**
   Tribal Welfare Department & Education
   Department, D.K.S. Bhawan, Raipur (C.G.)
2. **Commissioner**
   Tribal Welfare Department,
   Durg (C.G.)
3. **Asstt. Commissioner**
   Tribal Welfare Department,
   Durg (C.G.)
4. **Asstt. Commissioner**
   Tribal Welfare Department,
   Rajnandgaon (C.G.)

OATH COMMISSIONER
S.R. Kaushik
BILASPUR (M.P.)
6/1/06

(6)

~~(3)~~

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-78

(34)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.(S)6073/06 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

05.12.2006

Shri Ajay Shrivastava, learned counsel for the petitioners.
Shri Vinay Pandey, learned P.L. for the State/respondent.

Heard on I.A.No. 11055/2006 for taking synopsis on record and I.A.No. 11214/2006 for condonation of delay caused in incorporating the amendment.

The applications are allowed. The synopsis is directed to be taken on record and necessary amendment is directed to be incorporated within a week.

By this petition under Articles 226/227 of the Constitution of India, the petitioners seek a direction to the respondents to pay the increments and seniority on the basis of the date of their initial appointment in the light of the decision rendered by the learned State Administrative Tribunal, Jabalpur in Original Application No. 1452/1998 (Harish Chandra Singh and others Vs. State of M.P. and others) dated 31.1.2000

2. Learned counsel appearing for the petitioners placed reliance on the order dated 9th October 2006 passed by this Court in Writ Petition (S) No. 5473/2006 (Rakesh Kumar Sharma and another Vs. State of Chhattisgarh and others) and in Writ Petition (S) No. 5474/2006 (Jai Nath Bajpai Vs. State of Chhattisgarh and others) and submits that the petitioners are similarly situated, therefore, the similar order may be passed.

3. The case of the petitioners is that they were appointed as Upper Division Teacher in the School Education Department on probation for a

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(35)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.(S).6023/06 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

period of two years with the fixed salary. However, later on, after completion of two years' probation, the petitioners were regularized but, they were not given the regular pay scale. Other similarly situated teachers moved the State Administrative Tribunal, Jabalpur for regular pay-scale, wherein learned Tribunal vide order dated 31.1.2000 allowed the same. The petitioners made several representations to accord the same treatment as they were also similarly situated, but, the respondents have not paid any heed. Thus, this petition.

4. Learned counsel for the petitioners submits that the petitioners may be allowed to make a representation to respondent No.1 to give similar treatment to the petitioners and same pay-scale which has been sanctioned to other similarly situated teachers on account of the order of the State Administrative Tribunal dated 31.1.2000, to which learned counsel for the respondent/State has no objection.

5. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, in the opinion of this Court, the limited prayer made by learned counsel for the petitioners appears to be reasonable. Therefore, the petitioners are allowed to make a representation within a period of two weeks from today to respondent No.1, raising all their grievances and, in turn, respondent No.1 shall decide the said representations in an objective manner within a period of 30 days from the date of receipt of such representations, after considering all the points raised by the petitioners and taking into account the order dated 31.1.2000 passed by the learned State Administrative Tribunal in Original Application No. 1452/1998.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.(S).6073/06 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	6. The writ petition is accordingly disposed of with the aforesaid direction. No order as to costs. 7. Certified copy as per rules. Sd/- Dhirendra Mishara Judge	

P.T.O.